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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,417	01/26/2004	Hajime Yagi	045237-0128	4715
22428 7590 06/12/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER MAKIYA, DAVID J	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,417	YAGI, HAJIME	
	Examiner	Art Unit	
	David J. Makiya	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez Barros et al. (US 2003/0169160) in view of Chu (US Patent 6,520,690)

With respect to claims 1 and 21, Rodriguez Barros et al. teaches an outside mirror for a vehicle, comprising a mirror base E configured to mount to the vehicle; a mirror housing D connected to the mirror base; an image capturing unit (Paragraph 1); and a visible-light emitting unit 30 that emits visible light (Paragraph 3), wherein the visible-light emitting unit functions as any one of a side-turn lamp, a side marker lamp, or a turn lamp of a front combination lamp of the vehicle (Paragraph 8). In addition, Rodriguez Barros et al. teaches the infrared emitting unit includes an infrared radiation distribution controller 7 that controls distribution of the infrared radiation emitted within a predetermined range (Figure 85) which is substantially wider than the visible light (Figure 43). Rodriguez Barros et al. fails to teach the arrangement of the image capturing unit relative to the image capturing unit or their location within the housing. Chu teaches an outside mirror for a vehicle comprising a mirror 5, a mirror housing 1, an image capturing unit 3 and a visible light emitting unit 31 wherein the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Figure 3) and the image capturing unit and the visible-light emitting unit mounted in the mirror

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housing (Figure 3) wherein the image capturing unit captures information in an image capturing range with visible light emitted within a predetermined range which is substantially the same as or wider than the image capturing unit (Column 2, Lines 45-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the mirror of Rodriguez Barros et al. with the teachings of Chu because the “bulb 31 is arranged beside the camera lens 3 to provide auxiliary illumination for more clearly showing the view of the dead corner on front side” (Chu; Column 2, Lines 45-48).

With respect to claim 3, Rodriguez Barros et al. teaches the outside mirror wherein the visible-light emitting unit includes a visible-light distribution controller 6 that controls the distribution of the visible light emitted within a predetermined range (Figure 44), wherein the visible-light distribution controller is configured as a reflector or a prism (Paragraph 118).

With respect to claim 4, Rodriguez Barros et al. teaches the outside mirror further comprising a lens 1 that transmits the visible light emitted.

With respect to claim 5, Rodriguez Barros et al. teaches the outside mirror wherein the visible-light emitting unit is provided as a unit part (Figure 44).

With respect to claims 6 and 18, Rodriguez Barros et al. teaches the outside mirror as described above, but fails to teach a mechanism configured to be tilted by manual or remote operation. Chu further teaches the image capturing unit 3 having a mechanism 2A configured to be tilted by manual operation or by remote operation (Column 2, Lines 53-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the mirror of Rodriguez Barros et al. further with the teachings of Chu because providing a tilting

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mechanism means “the camera lens 3 can be adjusted to a suitable shooting angle” (Chu; Column 2, Lines 49-52).

With respect to claim 7, Rodriguez Barros et al. teaches the outside mirror further comprising an infrared emitting unit 25-A that emits infrared radiation (Paragraph 100).

With respect to claim 9, Rodriguez Barros et al. teaches the outside mirror wherein the visible-light emitting unit includes a visible-light distribution controller 6 that controls distribution of the visible light emitted within a predetermined range (Paragraph 118).

With respect to claim 10, Rodriguez Barros et al. teaches the outside mirror wherein the infrared emitting unit includes an infrared radiation distribution controller 7 that controls distribution of the infrared radiation emitted within a predetermined range (Figure 85); and the visible-light emitting unit includes a visible-light distribution controller 6 that controls distribution of the visible light emitted within a predetermined range (Paragraph 118).

With respect to claim 11, Rodriguez Barros et al. teaches the outside mirror further comprising a first lens 1 that transmits the visible light emitted.

With respect to claim 12, Rodriguez Barros et al. teaches the outside mirror further comprising a second lens 7 that transmits the infrared radiation emitted.

With respect to claim 13, Rodriguez Barros et al. teaches the outside mirror wherein the infrared emitting unit is provided as a unit part (Figure 33).

With respect to claim 14, Rodriguez Barros et al. teaches the outside mirror wherein the infrared emitting unit includes an infrared source (Paragraph 100), the infrared source includes at least one infrared light-emitting-diode that emits the infrared radiation (Paragraph 232), the visible-light emitting unit includes a visible-light source (Paragraph 100), and the visible-light

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source includes at least one visible light-emitting-diode that emits the visible light (Paragraph 232).

With respect to claim 15, Rodriguez Barros et al. teaches the outside mirror wherein the infrared light-emitting-diode is mounted on another surface of the substrate (Figure 33).

With respect to claim 16, Rodriguez Barros et al. teaches the outside mirror wherein both the infrared light-emitting diode and the visible light-emitting diode are surface mounted (Figure 33).

With respect to claim 17, Rodriguez Barros et al. teaches the outside mirror wherein the substrate is a flexible substrate (Paragraph 232).

With respect to claim 19, Rodriguez Barros et al. teaches an outside mirror for a vehicle, comprising a mirror base E configured to mount to the vehicle; a mirror housing D connected to the mirror base; an image capturing unit (Paragraph 1); and a visible-light emitting unit 30 that emits visible light (Paragraph 3), wherein the visible light emitting unit functions as any one of a side-turn lamp, a side marker lamp, or a turn lamp of a front combination lamp of the vehicle (Paragraph 8). However, Rodriguez Barros et al. fails to teach the arrangement of the image capturing unit relative to the image capturing unit or their location within the housing. Chu teaches an outside mirror for a vehicle comprising a mirror 5, a mirror housing 1, an image capturing unit 3 and a visible light emitting unit 31 wherein the image capturing unit captures an image of an area illuminated by the visible-light emitted or near the area (Column 2, Lines 43-48), the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Figure 3) and the image capturing unit and the visible-light emitting unit mounted in the mirror housing (Figure 3). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify the mirror of Rodriguez Barros et al. with the teachings of Chu because the “bulb 31 is arranged beside the camera lens 3 to provide auxiliary illumination for more clearly showing the view of the dead corner on front side” (Chu; Column 2, Lines 45-48).

With respect to claim 20, Rodriguez Barros et al. teaches an outside mirror for a vehicle, comprising a mirror base E configured to mount to the vehicle; a mirror housing D connected to the mirror base; an image capturing unit (Paragraph 1); and a visible-light emitting unit 30 that emits visible light (Paragraph 3), wherein the visible light emitting unit functions as any one of a side-turn lamp, a side marker lamp, or a turn lamp of a front combination lamp of the vehicle (Paragraph 8). However, Rodriguez Barros et al. fails to teach the arrangement of the image capturing unit relative to the image capturing unit or their location within the housing. Chu teaches an outside mirror for a vehicle comprising a mirror 5, a mirror housing 1, an image capturing unit 3 and a visible light emitting unit 31 wherein the visible-light emitting unit illuminates an area where the image capturing unit captures an image or near the area (Column 2, Lines 43-48), the image capturing unit and the visible-light emitting unit mounted in the mirror housing (Figure 3), and the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the image capturing unit (Figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the mirror of Rodriguez Barros et al. with the teachings of Chu because the “bulb 31 is arranged beside the camera lens 3 to provide auxiliary illumination for more clearly showing the view of the dead corner on front side” (Chu; Column 2, Lines 45-48).

Response to Arguments

Applicant's arguments filed 3/19/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that Chu does not suggest the visible-light emitting unit is arranged such that the visible light emitted does not directly enter into the camera, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the figures of Chu clearly show that the camera is located in front of the light source and would therefore not have any visible light directly entering into the camera.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273.

The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM 05/31/2007



JOHN ANTHONY WARD
PRIMARY EXAMINER